

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

RAYMOND BILBO

PETITIONER

v.

No. 1:04CV298-P-D

SUPERINTENDENT CABANA, ET AL., ET AL.

RESPONDENTS

ORDER ADOPTING REPORT AND RECOMMENDATION

Upon consideration of the file and records in this action, the court finds that the Report and Recommendation of the United States Magistrate Judge dated December 7, 2005, was on that date duly served by mail upon the *pro se* petitioner at his last known address; that more than ten days have elapsed since service of the Report and Recommendation; and that no objection to the Report and Recommendation has been filed or served by any party. The court is of the opinion that the magistrate judge's Report and Recommendation should be approved and adopted as the opinion of the court. It is, therefore

ORDERED:

1. That the Report and Recommendation of the United States Magistrate Judge dated December 7, 2005, is hereby approved and adopted as the opinion of the court.
2. That the instant petition for a writ of *habeas corpus* is hereby **DISMISSED** as procedurally barred.
3. That the instant case is **CLOSED**.

THIS, the 15th day of February, 2006.

/s/ W. Allen Pepper, Jr.

W. ALLEN PEPPER, JR.

UNITED STATES DISTRICT JUDGE